

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.	: 10/603513	Confirmation No. 3235
Applicant	: Scott GILBERT	
Filed	: 2003-06-24	
Art Unit	: 3763	
Examiner	: Manuel A. Mendez	
Docket No.	: ARC3080R1	
Customer No.	: 30766	
Title	: Reusable spring driven autoinjector	

Mail Stop Petition  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

PETITION TO WITHDRAW HOLDING OF ABANDONMENT BASED ON FAILURE TO  
RECEIVE OFFICE ACTION

Applicant hereby petitions under MPEP 711.03(c)(I)(A) that the holding of abandonment in the above-identified application be withdrawn based on failure to receive the Office Action dated June 28, 2005. Applicant further petitions that the Office Action dated June 28, 2005 be mailed to the correct correspondence address and that the period for reply to the office action be reset based on the new mail date. This petition is being filed within two months of the mailing date of the Notice of Abandonment.

A Power of Attorney/Change of Correspondence Address was filed on December 18, 2003, with instructions to direct all correspondence to:

Samuel E. Webb  
Alza Corporation  
c/o Johnson & Johnson  
One Johnson & Johnson Plaza, WH3321  
New Brunswick, NJ 08933  
(650) 564-5106  
Customer No. 27777

Because of change of procedures at ALZA Corporation, it was necessary to change the correspondence address noted above. A Change of Correspondence Address was filed on

August 4, 2004, with a request to change the correspondence address of the above-identified application to the address associated with Customer Number 30766.

There is clear evidence that the Change of Correspondence Address filed on August 4, 2004 was received by the USPTO based on the return postcard stamped by the USPTO on August 9, 2004, and the image file wrapper in PAIR. A copy of the image file wrapper is appended to this petition.

Despite the Change of Correspondence Address filed on August 4, 2004, the USPTO mailed the Office Action dated June 28, 2005, to the Johnson & Johnson, New Brunswick address. The Office Action was returned to the USPTO as undelivered, as indicated in the appended copy of the image file wrapper.

On March 20, 2007, the undersigned became aware of the issuance of the Office Action dated June 28, 2005, through PAIR.

On March 21, 2007, the undersigned called the USPTO to inquire about resending of the Office Action dated June 28, 2005 to the correct Correspondence Address with a new mail date. The undersigned was directed to the OIPE. During that call, the OIPE updated the Correspondence Address as previously requested on August 4, 2004 and instructed the undersigned to contact the examiner for further action. The undersigned was unable to reach the examiner but left a message for the examiner. The undersigned then called the examiner's supervisor, who promised to instruct the examiner to resend the office action with a new mail date. Several unsuccessful calls were made to the examiner and examiner's supervisor after this date to inquire about the status of the application.

On April 17, 2007, the undersigned was finally able to reach the examiner. During this call, the examiner informed the undersigned that he had just issued a notice of abandonment despite assurances from the examiner's supervisor that an office action with a new date would be sent to the correct correspondence address. The examiner promised to rectify the situation. However, this petition is being filed in order to preserve the applicant's rights in the matter.

The applicant is entitled under MPEP §711.03(c)(I)(A) to have the notice of abandonment dated April 19, 2007 withdrawn based on the USPTO's failure to update the correspondence address as requested on August 4, 2004, resulting in failure to receive the Office Action dated June 28, 2005. The applicant is also entitled to have the Office Action dated June 28, 2005 mailed to the correct correspondence address and to have the period for reply reset

based on the new mail date because (1) a Change of Correspondence Address was properly filed on August 4, 2004, (2) the Office Action dated June 28, 2005 was mailed to the Johnson & Johnson, New Brunswick address instead of the correspondence address associated with Customer Number 30766, (3) the office action has not been received at the correspondence address associated with Customer Number 30766 as of the date of this petition, and (4) the statutory time period for reply to the office action had substantially elapsed by the time the applicant became aware of the office action.

A petition fee is not believed to be required in this case. However, if it is deemed that a petition fee is required, the Office is authorized to charge such petition fee to Deposit Account No. 50-3202.

Date: April 30, 2007

Respectfully submitted,

*Adenike Adebisi*

Adenike A. Adebisi

Reg. No. 42,254

Tel.: (281) 856-8646



# United States Patent and Trademark Office

[Home](#) | [Site Index](#) | [Search](#) | [FAQ](#) | [Glossary](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz Alerts](#) | [News](#) | [Help](#)

[Portal Home](#) | [Patents](#) | [Trademarks](#) | [Other](#) | [Sign-Off Authenticated Session](#)

## Patent eBusiness

- [Electronic Filing](#)
- [Patent Application Information \(PAIR\)](#)
- [Patent Ownership](#)
- [Fees](#)
- [Supplemental Resources & Support](#)

## Patent Information

### Patent Guidance and General Info

- [Codes, Rules & Manuals](#)
- [Employee & Office Directories](#)
- [Resources & Public Notices](#)

## Patent Searches

### Patent Official Gazette

- [Search Patents & Applications](#)
- [Search Biological Sequences](#)
- [Copies, Products & Services](#)

## Other

- [Copyrights](#)
- [Trademarks](#)
- [Policy & Law Reports](#)

## Secured Patent Application Information Retrieval

[Download](#)

[Order Certified Application As Filed](#) [Order Certified File Wrapper](#) [View Order List](#)

10/603,513

Reusable, spring driven autoinjector

[Select New Case](#) [Application Data](#) [Transaction History](#) [Image File Wrapper](#) [Continuity Data](#) [Published Documents](#) [Address & Attorney/Agent](#) [Display References](#) [Publication Review](#)

This application is officially maintained in electronic form. To View: Click the desired Document Description. To Download and Print: Check the desired document(s) and click Start Download.

## Available Documents

Document		Document Category	Page Count	Select All	Start Download	Clear All
Mail Room Date	Description					
04-19-2007	<a href="#">Abandonment</a>	PROSECUTION	2	<input type="checkbox"/>		
08-22-2005	<a href="#">NPL Documents</a>	PRIOR ART	4	<input type="checkbox"/>		
08-22-2005	<a href="#">Information Disclosure Statement (IDS) Filed</a>	PROSECUTION	3	<input type="checkbox"/>		
08-22-2005	<a href="#">Foreign Reference</a>	PRIOR ART	1	<input type="checkbox"/>		
08-22-2005	<a href="#">Foreign Reference</a>	PRIOR ART	6	<input type="checkbox"/>		
08-22-2005	<a href="#">Foreign Reference</a>	PRIOR ART	6	<input type="checkbox"/>		
08-22-2005	<a href="#">Foreign Reference</a>	PRIOR ART	16	<input type="checkbox"/>		
07-08-2005	<a href="#">Mail returned to USPTO as undelivered Search information including classification, databases and other search related notes</a>	PROSECUTION	8	<input type="checkbox"/>		
06-28-2005	<a href="#">Non-Final Rejection List of references cited by examiner</a>	PROSECUTION	1	<input type="checkbox"/>		
06-28-2005	<a href="#">Change of Address</a>	PRIOR ART	5	<input type="checkbox"/>		
06-28-2005	<a href="#">NPL Documents</a>	PRIOR ART	1	<input type="checkbox"/>		
08-09-2004	<a href="#">NPL Documents</a>	PROSECUTION	3	<input type="checkbox"/>		
03-02-2004	<a href="#">Information Disclosure Statement (IDS) Filed</a>	PRIOR ART	12	<input type="checkbox"/>		
03-02-2004	<a href="#">Foreign Reference</a>	PROSECUTION	6	<input type="checkbox"/>		
03-02-2004	<a href="#">Foreign Reference</a>	PRIOR ART	10	<input type="checkbox"/>		
03-02-2004	<a href="#">Foreign Reference</a>	PRIOR ART	22	<input type="checkbox"/>		
03-02-2004	<a href="#">Foreign Reference</a>	PRIOR ART	26	<input type="checkbox"/>		
03-02-2004	<a href="#">Foreign Reference</a>	PRIOR ART	35	<input type="checkbox"/>		
03-02-2004	<a href="#">Foreign Reference</a>	PRIOR ART	52	<input type="checkbox"/>		
03-02-2004	<a href="#">Foreign Reference</a>	PRIOR ART	24	<input type="checkbox"/>		
01-23-2004	<a href="#">NPL Documents</a>	PRIOR ART	14	<input type="checkbox"/>		
01-23-2004	<a href="#">NPL Documents</a>	PRIOR ART	5	<input type="checkbox"/>		
01-23-2004	<a href="#">Information Disclosure Statement (IDS) Filed</a>	PROSECUTION	3	<input type="checkbox"/>		

01-23-2004	<a href="#">Foreign Reference</a>	PRIOR ART	9	<input type="checkbox"/>
01-05-2004	<a href="#">Power of Attorney</a>	PROSECUTION	2	<input type="checkbox"/>
06-24-2003	<a href="#">Transmittal of New Application</a>	PROSECUTION	4	<input type="checkbox"/>
06-24-2003	<a href="#">Specification</a>	PROSECUTION	18	<input type="checkbox"/>
06-24-2003	<a href="#">Oath or Declaration filed</a>	PROSECUTION	3	<input type="checkbox"/>
06-24-2003	<a href="#">Fee Worksheet (PTO-06)</a>	PROSECUTION	1	<input type="checkbox"/>
06-24-2003	<a href="#">Fee Worksheet (PTO-06)</a>	PROSECUTION	1	<input type="checkbox"/>
06-24-2003	<a href="#">Drawings</a>	PROSECUTION	2	<input type="checkbox"/>
06-24-2003	<a href="#">Claims</a>	PROSECUTION	4	<input type="checkbox"/>
06-24-2003	<a href="#">Abstract</a>	PROSECUTION	1	<input type="checkbox"/>

If you need help:

- Call the Patent Electronic Business Center at (866) 217-9197 (toll free) or e-mail [EBC@uspto.gov](mailto:EBC@uspto.gov) for specific questions about Patent Application Information Retrieval (PAIR).
- Send general questions about USPTO programs to the [USPTO Contact Center \(UCC\)](#).
- If you experience technical difficulties or problems with this application, please report them via e-mail to [Electronic Business Support](#) or call 1 800-786-9199.

You can suggest USPTO webpages or material you would like featured on this section by E-mail to the [webmaster@uspto.gov](mailto:webmaster@uspto.gov). While we cannot promise to accommodate all requests, your suggestions will be considered and may lead to other improvements on the website.

[Home](#) | [Site Index](#) | [Search](#) | [eBusiness](#) | [Help](#) | [Privacy Policy](#)